

COPY RECEIVED
NOV 25 2008
RYAN SWANSON & CLEVELAND, PLLC

Dakota Concrete Cutting
Inspection Number:
310893680

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| | | | | |
|----------------------|--|-------------|--|--------------------|
| Inspection Number | UBI | Account | Establishment DBA / Legal Name | |
| 310893680 | 601957076 | 92352401 | DAKOTA CONCRETE CUTTING INC DAKOTA CONCRETE CUTTING INC | |
| Assignment Type | OSHO ID / Region | Site Region | Program | Related Activities |
| Unprogrammed-Related | C9753 / 2 | 2 | Health | 202505913 |
| Primary SIC / NAICS | Primary SIC / NAICS Description | | | |
| 1771 238110 | CONCRETE WORK POURED CONCRETE FOUNDATION AND STRUCTURE CONTRACTO | | | |

WISHA Services Division
PO Box 44632
Olympia, WA 98504-4632

IMIS CASE FILE ACTIVITY DIARY

Page _____ of _____

| DATE: | ACTION: | INITIALS: |
|--------|---|-----------|
| 6/6/07 | Citation and Notice Issue | ES |
| 4/6/07 | Final Abatement Date (From Citation) | |
| 250 | Penalty Amount | |
| | FTA Amount | |
| | Original Inspection # | |
| | Progress Report <input type="checkbox"/> Partial <input checked="" type="checkbox"/> Complete | |
| | Progress Report <input type="checkbox"/> Partial <input type="checkbox"/> Complete | |
| | Progress Report <input type="checkbox"/> Partial <input type="checkbox"/> Complete | |
| | Progress Report <input type="checkbox"/> Partial <input type="checkbox"/> Complete | |
| | Appeal Received | |
| | Corrective Notice of Re-determination | |
| | 2 nd Appeal | |
| | <input type="checkbox"/> Board Decision <input type="checkbox"/> Superior Court | |
| 8-7-07 | Payment # 919248435 \$250 | Y TS |
| | Payment # \$ | |
| | Payment # \$ | |
| | Payment # \$ | |
| | Payment # \$ | |
| | Payment # \$ | |
| | Extension of Abatement | |
| | Final Order Date | |
| 8-7-07 | Closed <input checked="" type="checkbox"/> | TS |

F414-055-000 activity diary 8-99



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES

PO Box 44000 • Olympia, Washington 98504-4000

06/06/2007

DAKOTA CONCRETE CUTTING INC
27448 141st Ave Se
Kent, WA 98042

Inspection Number: 310893680
UBI: 601957076
CSHO ID: C9753
Region: 2
Program: H
Reference Number: 202505913

Dear Employer:

We have enclosed the results of our recent safety and health inspection of your workplace, located at the address on your enclosed citation.

This packet contains:

1. **Employer Instructions**
2. **Division of Occupational Safety and Health (DOSH) Citation Invoice**
A summary of penalties.
3. **Citation and Notice of Assessment**
A description of each violation and penalty.
4. **Appeal Rights**

OSHA publishes DOSH citation information on the Internet at www.osha.gov, since this information is available under provisions of the Federal Freedom of Information Act. It is posted 30 days after the date a citation is issued.

You are encouraged to carefully review the entire citation. If you have questions, call the compliance supervisor in your region at 206-515-2870.

Stephen M. Cant, CIH
Assistant Director
Division of Occupational Safety & Health

Enclosure(s)



Inspection Number: 310893680

Employer Instructions

What you must do now:

1. Post this notice in your workplace.

You must immediately post this Citation and Notice of Assessment at or near where the violation(s) occurred, where employees can easily find and read it, or where employees normally receive posted information. All postings must remain until you have corrected all violations, or for three working* days, whichever is longer (RCW 49.17.120).

2. Pay the assessed penalties within 15 working* days of the date you receive this citation.

Interest of 1% per month will be charged on past due accounts per RCW 43.17.240. If the citation is appealed, interest will not accrue until a final order has been issued. Instructions for mailing your payment are on the enclosed invoice.

* The term "working day" means a calendar day, except Saturdays, Sundays and all legal state holidays. (See working days in WAC 296-800-370.)

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Division of Occupational Safety and Health Citation Invoice



Inspection Number: 310893680

Opening Conference Date: 04/06/2007

Closing Conference Date: 05/14/2007

Issuance Date: 06/06/2007

UBI: 601957076

Legal Name: DAKOTA CONCRETE CUTTING INC

Name of Business Inspected: DAKOTA CONCRETE CUTTING INC

Inspection Site: 3100 Airport Way South, Seattle, WA, 98134

Summary of Assessed Penalties

(See attached documents for full description of each citation)

| | | |
|--------------------------------------|-----------------------------------|-----------------|
| Violation 1, Item 1 | Type of Violation: General | \$250.00 |
| Violation 1, Item 2 | Type of Violation: General | \$0.00 |
| Total assessed penalties..... | | \$250.00 |

PAYMENT INFORMATION

Payment is due 15 working days from receipt of this citation.

Make check payable to the Department of Labor and Industries.

Write the Inspection number on the check and mail in the self-addressed envelope enclosed:

Attn: DOSH Cashier
Department of Labor and Industries
PO Box 44835
Olympia, WA 98504-4835
Or deliver to: Any L&I office

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Citation and Notice of Assessment



Inspection Number: 310893680
CSHO ID: C9753

Opening Conference Date: 04/06/2007
Closing Conference Date: 05/14/2007
Issuance Date: 06/06/2007
UBI: 601957076
Legal Name: DAKOTA CONCRETE CUTTING INC
Name of Business Inspected: DAKOTA CONCRETE CUTTING INC
Inspection Site: 3100 Airport Way South, Seattle, WA, 98134

Violation 1, Item 1,Type of Violation: General

Washington Administrative Code (WAC) violated: 296-62-07721(2)(e)

Dakota Concrete Cutting did not ensure receipt of a written response or statement of the presence of asbestos from the facility owner's agent, Ethan Construction, prior to construction, renovation, remodeling, repair, etc. work at the inspection site.

Inspection site: 3100 Airport Way South, Seattle WA.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Please include an asbestos policy in your accident prevention plan. This written policy should include the requirements for Dakota Concrete Cutting to request the written statement from the building owner/general contractor as referenced in WAC 296-62-07721(2)(e) and a provision describing asbestos awareness training for employees.

Assessed penalty (See attached invoice): **\$250.00**

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Occupational Safety and Health | Citation Packet



Inspection Number: 310893680

Violation 1, Item 2,Type of Violation: General

Washington Administrative Code (WAC) violated: 296-62-07722(1)(c)

Dakota Concrete Cutting did not train or ensure training of employees about the hazards of asbestos, location of asbestos-containing materials (ACM) present at the inspection site, how to identify ACM, etc. In cases where certification requirements do not apply, employees shall be trained according to WAC 296-62-07722(5).

Inspection site: 3100 Airport Way South, Seattle, 98134.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty (See attached invoice): \$0.00

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Inspection Number: 310893680

Your Right to Appeal

For Employers

If you are cited for a violation of Occupational Safety and/or Health rules, you have the right to appeal the citation. **You have 15 working days from the date you receive this citation to appeal.** Your appeal must be in writing. It may be mailed, faxed, or personally delivered.

Your appeal must include:

- Name, address, telephone number, and fax number if available of the employer who is appealing, and for the employer's representative, if any, such as an attorney or interpreter.
- Inspection Number (You will find this nine-digit number on your citation.)
- Statement explaining:
 1. What you think is wrong with the citation and any related facts.
 2. How you think the citation should be changed.
 3. What relief you are seeking and why.

Note: Employees and/or employee representatives may elect to participate in appeal hearings.

Posting requirement:

You must post your appeal documents (along with this citation packet) until the appeal is resolved. You must also post all other documents related to this appeal.

For Employees or Their Representatives

If your employer is cited, you may only appeal the correction due date(s).

Your appeal must include:

- Your name, address, telephone number, and fax number if available and the same information for anyone who is representing you, if any.
- Inspection Number
- Statement explaining why you think the correction due date should be changed.

Send all appeals to:

Assistant Director for DOSH
Attn: Appeals Unit
PO Box 44604
Olympia, WA 98504-4604
Fax to: 360-902-5581 or deliver to: Any L&I office

For more information call the appeals unit: 360-902-5486.

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6/6/07

Enforcement Case File Information

Inspection Information Violation Information Case File Checkout Card

Enforcement Inspection Information

| | | | |
|--|---|--|------------------------------|
| Inspection Number / Program | Triggering Activity | UBI / Bus Loc | Account Number |
| 310893680 / Health | 202505913 | 601957076 / 729645 | 92352401 |
| Establishment DBA / Legal Name | | Assignment Type / Site Region | CSHO ID / CSHO Region |
| DAKOTA CONCRETE CUTTING INC / DAKOTA CONCRETE CUTTING INC | | Unprogrammed Related / 1055320 | C9753 / 1055320 |
| Primary SIC/NAICS | | Primary SIC/NAICS Description | |
| 1771 / 238110 | | CONCRETE WORK / POURED CONCRETE FOUNDATION AND STRUCTURE CONTRACTO | |
| Site SIC/NAICS | | Site SIC/NAICS Description | |
| 1771 / 238110 | | CONCRETE WORK / POURED CONCRETE FOUNDATION AND STRUCTURE CONTRACTORS | |
| Site Address | Mailing Address | Other Company Info | |
| DAKOTA CONCRETE CUTTING INC 3100 Airport Way South Seattle, WA 98134 | DAKOTA CONCRETE CUTTING INC 27448 141st Ave Se Kent, WA 98042 | Business Phone: Site Phone: Legal Entity: Corporation | |

| | | | | |
|---|---|---|-----------------------------|--------------|
| Representatives | | | | |
| Name | Title | Participation | Type | Email |
| Dori Ost | owner | Opening Conference, Walk-Around, Closing Conference | Management Official | |
| Related Activities | | | | |
| OSHA Number | | | Type | |
| 202505913 | | | Referral | |
| Advance Notice | Opening Conference Date/Time | Site SIC/NAICS | Type of Operation | |
| No | 4/6/2007 - 10:15 AM | 1771 / 238110 | concrete cutting/drilling | |
| Inspection Type | Days Site Visited | Inspection Scope | Reason No Inspection | |
| Unprogrammed Related | 2 | Partial | | |
| Local Emphasis Program | | Special Tracking Information | | |
| | | | | |
| Multi-Employer Controlling Inspection Number | Focused Inspection: Controlling Employer | Focused Inspection: Sub-Contractors | Employers On Site | |
| 310950563 | No | No | | |

| | | | | | |
|--|--------------------------------------|--|--|---------------------------------------|-------------------------|
| Immediate Restraint | | Red Tag Number | | Union | |
| No | | | | No | |
| Employees On Site | | Employees Covered By Inspection | | Employees Controlled Statewide | |
| 1 | | 1 | | 4 | |
| Employee Participation | | Closing Conference Date | | Citation Issued/Date | |
| Interviewed | | 5/14/2007 | | Yes 6/6/2007 | |
| Citation Sent Date | | Citation Delivery Status | | Citation Delivery Status Date | |
| 6/6/2007 | | | | | |
| Citation and Notice Messages | | | | | |
| | | | | | |
| Route to P&TS | | Reason | | Other Reason | |
| No | | | | | |
| Anticipatory Warrant/ Subpeona Served | | Non-Anticipatory Warrant/ Subpeona Served | | Date Denied | Date Re-entered |
| None | | None | | | |
| OSHA 300 Data | | | | OSHA Log Information | |
| Data Checked But Not Recorded | | | | 0 | |
| Year | Hours Worked By All Employees | | | DART Rate | |
| | 0 | | | 0.00 | |
| CSHO Approved Date | | Supervisor Approved Date | | Send C & N? | Case Closed Date |
| 5/17/2007 | | 5/17/2007 | | Yes | |

Enforcement Violation Information*Top*

| Inspection Number / Program | | | | Triggering Activity | UBI / Bus Loc | | | Account Number | |
|---|------|-------|------|---------------------|--------------------------------|-----------|---------------------|-----------------------|--|
| 310893680 / Health | | | | 202505913 | 601957076 / 729645 | | | 92352401 | |
| Establishment DBA / Legal Name | | | | | Assignment Type / Site Region | | | CSHO ID / CSHO Region | |
| | | | | | Unprogrammed Related / 1055320 | | | C9753 / 1055320 | |
| DAKOTA CONCRETE CUTTING INC / DAKOTA CONCRETE CUTTING INC | | | | | | | | | |
| Violation | Item | Group | Type | Standard | Penalty | Instances | Abatement Days/Date | Date Corrected | |
| 1 | 1 | | G | 296-62-07721(2)(e) | 250.00 | 1 | | 4/6/2007 | |
| 1 | 2 | | G | 296-62-07722(1)(c) | 0.00 | 1 | | 4/6/2007 | |

| | | | | | |
|------------------------------------|--|-----------------------|--|--------------------------------------|--|
| Inspection Number / Program | | UBI / BusLoc | | CSHO ID / CSHO Region | |
| 310893680 / Health | | 601957076 / 729645 | | C9753 / 1055320 | |
| Triggering Activity | | Account Number | | Assignment Type / Site Region | |
| 202505913 | | 92352401 | | Unprogrammed Related / 1055320 | |

| | | | | | |
|---------------------------------|--|----------------------------------|---------------------------|--|--|
| Violation # | Item # | Group | Standard Violated | | |
| 1 | 1 | | 296-62-07721(2)(e) | | |
| Type | Number of Instances | Number of Workers Exposed | Related Event Code | Previous Inspection # (for repeat or FTA) | |
| G | 1 | 1 | | | |
| Abatement # of Days/Date | Immediate Restraint | Egregious | Substance | Abatement Documents Required | |
| | No | No | | No | |
| Date Corrected | Complied During Inspection | Date Verified | How Verified | Date/Time Violation Identified | |
| 4/6/2007 | Unable to Correct | 4/6/2007 | Employer Abated | 4/6/2007 2:00 PM | |
| Statutory Penalty | Asbestos Good Faith | Asbestos # of Days | Severity | Probability | |
| Yes | No | | | | |
| Gravity | Calculated Base Penalty | Faith Code/Adj | History Code/Adj | Size Code/Adj | |
| 0 | 250.00 | 0 | 0 | 0 | |
| Adjustment Subtotal | Adj. Base Penalty | Factor Type/Number | Calculated Penalty | Assessed Penalty | |
| 0.00 | 250.00 | None | 250.00 | 250.00 | |
| AVD | <p>Dakota Concrete Cutting did not ensure receipt of a written response or statement of the presence of asbestos from the facility owner's agent, Ethan Construction, prior to construction, renovation, remodeling, repair, etc. work at the inspection site.</p> <p>Inspection site: 3100 Airport Way South, Seattle WA.</p> | | | | |
| Message | <p>Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.</p> <p>Please include a policy in your accident prevention plan that spe</p> | | | | |
| How Complied | | | | | |
| | Dakota Concrete Cutting (DCC) was hired by General Contractor -Ethan | | | | |

| | | | | |
|-----------------------------|---|---------------|--|--|
| Instance Description | <p>Construction (EC) to drill holes or cores in various locations during the renovation of the old Rainer Brewery on Airport Way South. According to interviews with DCC owner, Dori Ost, DCC management did not request a written statement indicating whether asbestos was present at the Brewery prior to starting work. In addition, EC management reported they did not provide the written statement to DCC.</p> <p>On or around January 7, 2006, DCC-EE (b) (6) was instructed by Ethan Construction to drill 1.25 inch hole(s) in a concrete wall for installation of electrical conduit. During the first drill, (b) (6) thought he hit a pipe and moved to a new location. During the second drill, he thought he hit another pipe. Following the second drill, another subcontractor EE came by to inform (b) (6) that the pipes in the wall he was drilling were wrapped in asbestos (TSI) and that he probably disturbed the TSI during his drilling activity. (b) (6) stopped work and reported the incident to Ethan Construction management.</p> <p>Per GFSs performed by Vernon Environmental Inc. for Ethan Construction in July 2006, the survey indicated that the pipe insulation in building 25 (location of the drilling task) was asbestos-containing and should assume the pipe penetrations in walls are also wrapped with asbestos-containing TSI.</p> <p>Hazard: Without a good faith survey of the building materials to be worked on or around, EEs may disturb asbestos containing materials using improper work practices and promote airborne asbestos fibers and inhalation exposures.</p> <p>Exposure: One day approximately 10 minutes. Exposed EE= (b) (6) (b) (6)</p> | | | |
| Photos | No | Photos | | |
| Photo List | | | | |
| Severity | | | | |
| Probability | | | | |
| Good Faith | | | | |
| History | | | | |

| | | | | | |
|------------------------------------|--|-----------------------|--|--------------------------------------|--|
| Inspection Number / Program | | UBI / BusLoc | | CSHO ID / CSHO Region | |
| 310893680 / Health | | 601957076 / 729645 | | C9753 / 1055320 | |
| Triggering Activity | | Account Number | | Assignment Type / Site Region | |
| 202505913 | | 92352401 | | Unprogrammed Related / 1055320 | |

| | | | | | |
|---------------------------------|--|----------------------------------|---------------------------|--|--|
| Violation # | Item # | Group | Standard Violated | | |
| 1 | 2 | | 296-62-07722(1)(c) | | |
| Type | Number of Instances | Number of Workers Exposed | Related Event Code | Previous Inspection # (for repeat or FTA) | |
| G | 1 | 1 | | | |
| Abatement # of Days/Date | Immediate Restraint | Egregious | Substance | Abatement Documents Required | |
| | No | No | | No | |
| Date Corrected | Complied During Inspection | Date Verified | How Verified | Date/Time Violation Identified | |
| 4/6/2007 | Unable to Correct | 4/6/2007 | Employer Abated | 4/6/2007 2:00 PM | |
| Statutory Penalty | Asbestos Good Faith | Asbestos # of Days | Severity | Probability | |
| No | No | | | | |
| Gravity | Calculated Base Penalty | Faith Code/Adj | History Code/Adj | Size Code/Adj | |
| | | 0 | 0 | 0 | |
| Adjustment Subtotal | Adj. Base Penalty | Factor Type/Number | Calculated Penalty | Assessed Penalty | |
| 0.00 | 0.00 | | 0.00 | 0.00 | |
| AVD | <p>Dakota Concrete Cutting did not train or ensure training of employees about the hazards of asbestos, location of asbestos-containing materials (ACM) present at the inspection site, how to identify ACM, etc. In cases where certification requirements do not apply, employees shall be trained according to WAC 296-62-07722(5).</p> <p>Inspection site: 3100 Airport Way South, Seattle, 98134.</p> | | | | |
| Message | <p>Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.</p> | | | | |
| How Complied | | | | | |
| | <p>see citation 1-1 for background information</p> <p>According to interviews with DCC management-Dori Ost, DCC EE-Dwayne</p> | | | | |

| | | | | |
|-----------------------------|--|---------------|--|--|
| Instance Description | Tucker had not received asbestos awareness training. Hazard: Without asbestos awareness training, EEs may not be able to identify the location of ACMs, EEs may not know what typical ACMs look like, and may not know how to handle ACM should it be accidentally disturbed increasing the potential for exposure to asbestos/airborne asbestos fibers Exposure: see citation 1-1 | | | |
| Photos | No | Photos | | |
| Photo List | | | | |
| Severity | | | | |
| Probability | | | | |
| Good Faith | | | | |
| History | | | | |

Shea, Elayne (LNI)

From: Brown, Kathryn (LNI)
Sent: Monday, June 04, 2007 2:08 PM
To: Shea, Elayne (LNI); Leo, Robert D. (LNI); Williams, Beth A. (LNI); Grondahl, Melissa (LNI)
Subject: RE: Dakota Concret Cutting #310893680

3100 Airport Way South
Seattle, WA 98134

>-----
>From: Shea, Elayne (LNI)
>Sent: Monday, June 04, 2007 1:38 PM
>To: Brown, Kathryn (LNI); Leo, Robert D. (LNI); Williams, Beth A. (LNI);
Grondahl, Melissa (LNI)
>Subject: Dakota Concret Cutting #310893680
>
>Please confirm site address for above report. Thanks
>
>Elayne Shea
>Division of Occupational Safety & Health Phone (360) 902-5649
>FAX (360) 902-5619
>MS: 4638
>

Shea, Elayne (LNI)

From: Brown, Kathryn (LNI)
Sent: Tuesday, June 05, 2007 11:15 AM
To: Shea, Elayne (LNI); Leo, Robert D. (LNI)
Cc: Williams, Beth A. (LNI); Grondahl, Melissa (LNI)
Subject: RE: Dakota Concrete Cutting Inc #310893680

Thank you for finding the error.

I think what you are referring to is in the message box of 1-1:

*"Please include a policy in your accident prevention plan that spe"
It should be:*

Please include an asbestos policy in your accident prevention plan. This written policy should include the requirements for Dakota Concrete Cutting to request the written statement from the building owner/general contractor as referenced in WAC 296-62-07721(2)(e) and a provision describing asbestos awareness training for employees.

>-----
>From: Shea, Elayne (LNI)
>Sent: Tuesday, June 05, 2007 11:01 AM
>To: Brown, Kathryn (LNI); Leo, Robert D. (LNI)
>Cc: Williams, Beth A. (LNI); Grondahl, Melissa (LNI)
>Subject: Dakota Concrete Cutting Inc #310893680

>

>

>Violation 1-1, last sentence incomplete. I can insert it if you will let me know what you want put in.

>

>Elayne Shea

>Division of Occupational Safety & Health Phone (360) 902-5649

>FAX (360) 902-5619

>MS: 4638

>

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| | | | |
|---------------------|--|----------------------------------|---|
| Company | Ethan Construction Dakota Concrete Cutting | Inspection # | 310950563 310893680 |
| Site Address | Old Rainier Brewery/Rainier Commons 3100 Airport Way South Seattle, Wa 98134 | OC Date CC Date | 3/29/07 and 4/6/07 5/14/07 and 5/17/07 |
| | | CSHO | C9753 |

MAY 21 REC'D

Background:

REGION 2 DC 2

This inspection was initiated by a referral from a former subcontractor alleging a concrete cutting contractor was coring in areas/walls containing asbestos/TSI wrapped pipe.

Ethan Construction (EC) is the general contractor renovating the old Rainier Brewery/new Tully's Headquarters on Airport Way South. According to Liniis, EC has been operating under the current UBI (602306468) since July 2003 with 4 compliance inspections at the old Rainier Brewery.

Dakota Concrete Cutting (DCC) is a small, local company specializing in concrete cutting and coring. There is no contract between DCC and EC; work is made by purchase order from EC to DCC when coring or cutting is needed as the renovation project progresses. According to Liniis/WIN, DCC has been operating under the current UBI (601957076) since 1999 with one compliance inspection on record.

MAY 25 2007

Opening Conferences:

On March 29, 2007 inspector Kathryn Brown located the Ethan Construction at the brewery and identified project manager – John Jack and site foreman – “Bull” (Richard Putz). CSHO performed an opening conference. Both EC representatives were familiar with the alleged incident and also speculated that a former employee made the complaint.

On April 6, 2007, inspector Kathryn Brown phoned DCC owner – Dori Ost and performed an opening conference by phone. Ms. Ost explained what details she knew of an incident related to Ethan Construction (i.e. coring and hitting pipe covered with TSI) as well as other subcontractors threatening bodily harm to her employees. She reported DCC was recently under a comprehensive IH consultation and all programs, etc. have been approved by consultant M. Devera.

Facility and Process Description:

Rainier Commons, owner of the old Rainier Brewery location, hired Ethan Construction to renovate the Brewery to lease to new tenants or sell sections of the building when renovation was complete. The renovation included removing old tanks, piping, insulation, etc. used during the beer making process, adding new fire suppression, electrical, telecommunication, elevators, paint common areas, other tenant improvements, etc., for occupancy.

As part of the renovation, DCC was contracted to perform various concrete drilling/cutting as the project progressed. In early January, 1 ½– 1 ¼ inch holes were needed to install electrical conduit in Building 25. Ethan requested DCC to perform the concrete drilling in former bathrooms of building 25; the former bathrooms are being converted to telecommunications rooms. A chase wall on the east end of the bathroom contains several vertical pipes. These pipes can be viewed by opening a trap door on the false ceiling of the bathroom. Prior to the inspection, the TSI accessible in the false ceiling was abated; however, the TSI in the chase wall remained in place.

Interview with Ethan Construction Management:

During the initial interview following the opening conference, Ethan management- J. Jack and “Bull” were familiar with the drilling incident. During a follow-up interview, Ethan's project manager-John Jack reported/confirmed that any work performed is directed by Ethan management and subcontracting EEs are required to have Asbestos Awareness training when they come on site; however, he was unsure if DCC had received that training.

The following documents were requested from Ethan management. A summary of the related responses follows each item. See case file for Ethan's response document submitted to CSHO

- 1) Copy of the written statement to Dakota informing the sub of the presence of asbestos at the worksite per 62-07721(2)(b)(iii)

Response: DCC and all subcontractors are required to follow S&H and O&M manuals that instruct the subs to review all survey reports for the project.

| | | | |
|---------------------|--|----------------------------------|---|
| Company | Ethan Construction Dakota Concrete Cutting | Inspection # | 310950563 310893680 |
| Site Address | Old Rainier Brewery/Rainier Commons 3100 Airport Way South Seattle, Wa 98134 | OC Date CC Date | 3/29/07 and 4/6/07 5/14/07 and 5/17/07 |
| | | CSHO | C9753 |

- 2) Asb. Awareness training record for DCC EEs
Response: Ethan assumed DCC EEs had AA training as identified in the O&M manual provided for all subs and located in the Superintendent's office.
- 3) An example of the asbestos awareness training records retained by Ethan for other subcontractor EEs
Response: Ethan submitted a copy of another sub EE's Asb Awareness training certificate by Cole and Associates
- 4) Copy of the contract/purchase order for the drilling in the bathrooms of building 25
Response: Ethan does not have a signed agreement with DCC. Ethan has a "general LF pricing that is established by the construction industry."
- 5) Copy of the asbestos survey executive summary dated July 27, 2006.
Response: Ethan provided the executive summary performed by Vernon Environmental Inc. dated July 2006. The survey identifies ACM-TSI on "pipe insulation in various penetrations...in buildings 7, 11, and 25."

Violation: Controlling Employer (Asbestos Code) – EC did not control the known hazards on site (Instance 1. Ethan directed work to be performed in an area known/assumed to have asbestos wrapped pipe per Ethan's GFS and previous DOSH inspections – Instance 2. EC did not ensure sub EEs had asbestos awareness training)

Violation: Owner's agent (Ethan) did not provide a written statement of the presence of asbestos to Dakota prior to starting work

Interview with Dakota Concrete management:

DCC owner-Dori Ost reported that DCC had been to the Ethan site several times since August 14, 2006. D. Ost did not know the exact details of the incident (referred CSHO to DDC EE for interview) but reported that Dakota is no longer drilling in the bathrooms since the incident. In addition, another sub from the site called her and said there was asbestos on-site and her EEs should not be doing that work. Ethan did not tell Dakota that asbestos was present in the building therefore, no asbestos awareness training was provided to Dakota. Dakota EEs have been through asbestos training at other job sites, usually before a demo, but not the EE involved during the alleged drilling incident.

Dakota Concrete recently received a comprehensive IH consultation. CSHO Brown asked if asbestos hazards were addressed during the consultation. Dori Ost reported asbestos was not discussed during the consultation and she was not advised to request a written statement of the presence of asbestos prior to the start of work (296-62-07721) nor was it advised to include an asbestos hazard item/policy in the APP.

Violation: ER did not request written documentation of the presence of asbestos prior to start of work

Violation: No asbestos awareness training

Interview with Dakota Concrete EE:

CSHO Brown interviewed the DCC EE involved with the reported coring incident. DCC EE-(b) (6) reported that when he arrived on site (approx. January 7) Ethan's site foreman "Bull" told (b) (6) to follow the electrician (b) (6) from AAA Electric) and (b) (6) would show (b) (6) where to drill the holes for the electrical conduit – ultimately, the east wall of 6th floor bathroom. In the 6th floor bathroom, (b) (6) started drilling a 1.25 inch hole in the wall and hit a pipe. He moved to a new point in the wall and hit another pipe. A "welder" ran over and informed (b) (6) that the pipes were wrapped in ACM/TSI and not to disturb the pipes. (b) (6) stopped work and reported to "Bull" about the incident.

At a later date, "Bull" requested DCC EE-(b) (6) core holes for the electrical conduit on the south wall of the bathroom and "Bull" assured (b) (6) there were no pipes in the south wall (b) (6) began the task and hit a pipe

| | | | |
|---------------------|---|----------------------------------|---|
| Company | Ethan Construction Dakota Concrete Cutting | Inspection # | 310950563 310893680 |
| Site Address | Old Rainier Brewery/Rainer Commons 3100 Airport Way South Seattle, Wa 98134 | OC Date CC Date | 3/29/07 and 4/6/07 5/14/07 and 5/17/07 |
| | | CSHO | C9753 |

in the wall. At that time, (b) (6) refused to perform anymore drilling in the bathrooms at the Ethan Construction site.

As stated above, Ethan provided asbestos awareness training to all subcontractors following a previous DOSH inspection; however, Dakota EEs had not received that training nor were they told they needed the training by Ethan management (note: Dakota was on-site following the "all-sub" training that was provided by Ethan). Dakota's (b) (6) report Ethan did not tell him about the ACMs on-site and did not provide asbestos awareness training.

Documentation Review Dakota Concrete Cutting:

Accident Prevention Plan: Adequate per recent review by IH consultant Margarita Devera. However, ER will receive a message to include a policy re: requesting asbestos information prior to starting work.

Based on the investigation, the following citations and penalties are proposed for Ethan Construction:

| CODE | TYPE | DESCRIPTION | PENALTY |
|-------------------------|------|--|---------|
| 296-62-07706(5) | S | Controlling Employer – Asbestos oversight of general contractor Instance 1: GC directed work to be performed in an area known/assumed to have TSI present. Instance 2: Did not ensure subcontractor EEs had asbestos awareness training | 1500 |
| 296-62-07721(2)(b)(iii) | G | GC did not provide written statement about the presence of asbestos to a subcontractor before the sub applied or bid on work. | 250 |
| 296-155-110(9)(b) | G | Weekly walk-arounds not documented | |
| | | Total Penalty | \$ 1750 |

Based on the investigation, the following citations and penalties are proposed for Dakota Concrete Cutting:

| CODE | TYPE | DESCRIPTION | PENALTY |
|--------------------|------|---|---------|
| 296-62-07721(2)(e) | S | Contractor started work prior to receiving a copy of the written response/statement from the GC indicating the presence of asbestos | 250 |
| 296-62-07722(1)(c) | G | No asbestos awareness training | |
| | | Total Penalty | \$ 250 |

Closing Conference with Ethan Construction:

On May 17, 2006, CSHO met with Ethan's Project Manager- John Jack at the inspection site and performed a closing conference. CSHO Brown discussed the proposed violations as well as all the elements of the closing conference.

Closing Conference with Dakota Concrete Cutting:

On May 14, 2006, CSHO Brown met with DCC owner-Dori Ost at the home office of DCC and performed a closing conference. CSHO Brown discussed the proposed violations and closing conference elements. Following the CC, CSHO provided D. Ost with an summarized asbestos policy to add to the company APP explaining the need for a GFS or documentation from the building owner/general contractor and asbestos awareness training for those employee that may work near/around ACMs.

310893680

Enforcement Case File Information

Inspection Information Violation Information Case File Checkout Card

MAY 25 2007

Enforcement Inspection Information

IMIS-QA

| | | | |
|---|--|---|-----------------------|
| Inspection Number / Program | Triggering Activity | UBI / Bus Loc | Account Number |
| 310893680 / Health | 202505913 | 601957076 / 729645 | 92352401 |
| Establishment DBA / Legal Name | Assignment Type / Site Region | CSHO ID / CSHO Region | |
| DAKOTA CONCRETE CUTTING INC / DAKOTA CONCRETE CUTTING INC | Unprogrammed Related / 1055320 | C9753 / 1055320 | |
| Primary SIC/NAICS | Primary SIC/NAICS Description | | |
| 1771 / 238110 | CONCRETE WORK / POURED CONCRETE FOUNDATION AND STRUCTURE CONTRACTO | | |
| Site SIC/NAICS | Site SIC/NAICS Description | | |
| 1771 / 238110 | CONCRETE WORK / POURED CONCRETE FOUNDATION AND STRUCTURE CONTRACTORS | | |
| Site Address | Mailing Address | Other Company Info | |
| DAKOTA CONCRETE CUTTING INC 27448 141st Ave Se Kent, WA 98042 | DAKOTA CONCRETE CUTTING INC 27448 141st Ave Se Kent, WA 98042 | Business Phone: Site Phone: Legal Entity: Corporation | |

| | | | | |
|---|---|---|-----------------------------|--------------|
| Representatives | | | | |
| Name | Title | Participation | Type | Email |
| Dori Ost | owner | Opening Conference, Walk-Around, Closing Conference | Management Official | |
| Related Activities | | | | |
| OSHA Number | | | Type | |
| 202505913 | | | Referral | |
| Advance Notice | Opening Conference Date/Time | Site SIC/NAICS | Type of Operation | |
| No | 4/6/2007 - 10:15 AM | 1771 / 238110 | concrete cutting/drilling | |
| Inspection Type | Days Site Visited | Inspection Scope | Reason No Inspection | |
| Unprogrammed Related | 2 | Partial | | |
| Local Emphasis Program | | Special Tracking Information | | |
| | | | | |
| Multi-Employer Controlling Inspection Number | Focused Inspection: Controlling Employer | Focused Inspection: Sub-Contractors | Employers On Site | |
| 310950563 | No | No | | |
| Immediate Restraint | Red Tag Number | Union | | |
| No | | No | | |
| Employees On Site | Employees Covered By Inspection | Employees Controlled Statewide | | |
| 1 | 1 | 4 | | |
| Employee Participation | Closing Conference Date | Citation Issued/Date | | |
| Interviewed | 5/14/2007 | No | | |
| Citation Sent Date | Citation Delivery Status | Citation Delivery Status Date | | |
| | | | | |

4

RCLLC 0000838

| | | | |
|--|--|-----------------------------|-------------------------|
| Citation and Notice Messages | | | |
| | | | |
| Route to P&TS | | Reason | Other Reason |
| No | | | |
| Anticipatory Warrant/ Subpeona Served | Non-Anticipatory Warrant/ Subpeona Served | Date Denied | Date Re-entered |
| None | None | | |
| OSHA 300 Data | | OSHA Log Information | |
| Data Checked But Not Recorded | | 0 | |
| Year | Hours Worked By All Employees | DART Rate | |
| 0 | | 0.00 | |
| CSHO Approved Date | Supervisor Approved Date | Send C & N? | Case Closed Date |
| <i>KB 5/17/07</i> | <i>LM 5/17/07</i> | Yes | |

~~310893680~~

310893680

5

Enforcement Violation Information[Top](#)

| | | | | | | | | |
|---|------|---------------------|------|--------------------------------|---------|-----------------------|---------------------|----------------|
| Inspection Number / Program | | Triggering Activity | | UBI / Bus Loc | | Account Number | | |
| 310893680 / Health | | 202505913 | | 601957076 / 729645 | | 92352401 | | |
| Establishment DBA / Legal Name | | | | Assignment Type / Site Region | | CSHO ID / CSHO Region | | |
| DAKOTA CONCRETE CUTTING INC / DAKOTA CONCRETE CUTTING INC | | | | Unprogrammed Related / 1055320 | | C9753 / 1055320 | | |
| Violation | Item | Group | Type | Standard | Penalty | Instances | Abatement Days/Date | Date Corrected |
| 1 | 1 | | G | 296-62-07721(2)(e) | 250.00 | 1 | | 4/6/2007 |
| 1 | 2 | | G | 296-62-07722(1)(c) | 0.00 | 1 | | 4/6/2007 |



INSPECTION WORKSHEET (1A)

| | | | | |
|---|---------------------------------------|---|--|---|
| Inspection # 310093680 | CSHO ID (s) C9753 | UBI 601957076 | Date of Entry 3/29/07 | Time of Entry 10:00am |
| Type of operation | | Legal Entity/Ownership | | |
| Firm's name Dakota Concrete Cutting | | <input type="checkbox"/> Local Gov. <input type="checkbox"/> State Gov. <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Sole Owner | | |
| Site address 3100 Airport Way S | | EEs in estab 4 | EEs covered by inspect 21 | EEs in WA 4 |
| City/State/Zip Seattle, Wa 98134 | | Mailing Address 27448 141st Ave SE | | |
| Email | | City/State/Zip Kent, Wa 98042 | | |
| Site Phone | Business Phone 253-638-2350 | Fax | Present Credentials <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Request EE rep(s) <input type="checkbox"/> Yes <input type="checkbox"/> No |

Consent statement

My name is **KB**. I am an inspector for the State of Washington, Dept of Labor & Industries. I am here to conduct a health and/or workplace safety inspection. (Show L&I credentials) May I have your permission (or consent) to perform the inspections? **Yes, proceed. Document response below.** **P.O.**

If, and only if, the owner or his/her authorized representative does not affirmatively respond to the above requests for consent to inspect, the inspector will then state, "thank you, the state may seek a warrant for entry upon and inspection of the premises from a court of competent jurisdiction and such a warrant may be issued to permit me to conduct the inspection."

| Name | Title | OC | WA | CC | Name | Title | OC | WA | CC |
|-----------------|--------------|----------|----------|----------|----------------|-------------------|----|----------|----|
| Employer reps | | | | | Employee reps | | | | |
| Dor. Ost | owner | X | X | X | (b) (6) | apprentice | | X | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

| | | |
|---|---|------------------------------|
| Employees interviewed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Union Laborer's Union | Local # |
| How many? | Address 565 13th Ave, Seattle | Phone 206-329-1540 |

| | |
|---|---|
| Opening Conference - Date: 4/6/07 Time: 10:18am | Closing Conference - Date: 5/14/07 Time: 1:30pm |
| <input checked="" type="checkbox"/> State purpose of visit William Carst. <input checked="" type="checkbox"/> Provide copy of complaint referral <input checked="" type="checkbox"/> Explain WISH Act & DOSH <input checked="" type="checkbox"/> Compliance role <input checked="" type="checkbox"/> Availability of standards, posters, logs <input checked="" type="checkbox"/> Confidentiality of trade secrets <input checked="" type="checkbox"/> Explain walk-around procedure <input checked="" type="checkbox"/> Request written programs and log <input checked="" type="checkbox"/> Interview employees in private <input checked="" type="checkbox"/> First aid none F.A. trained - see consultation <input checked="" type="checkbox"/> Discrimination against EEs <input checked="" type="checkbox"/> Walk-around pay <input checked="" type="checkbox"/> Closing conference will be held <input checked="" type="checkbox"/> Inquire of safety requirements for inspector | <input checked="" type="checkbox"/> Discuss hazards observed <input checked="" type="checkbox"/> Proposed violations & their severity <input checked="" type="checkbox"/> Penalties may be assessed <input checked="" type="checkbox"/> Subject to further review <input checked="" type="checkbox"/> Set reasonable abatement periods <input checked="" type="checkbox"/> Explain extension of abatement <input checked="" type="checkbox"/> Advise citation/results will be issued <input checked="" type="checkbox"/> Must be posted <input checked="" type="checkbox"/> Explain proof of corrections requirement <input checked="" type="checkbox"/> Variances <input checked="" type="checkbox"/> Appeals rights (15 working days after receipt) <input checked="" type="checkbox"/> Results of failure to correct <input type="checkbox"/> Availability of consultation and risk management services after abatement period |

| | | |
|---|---|---|
| Shape sheet included <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | State worksheet included <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Closing conference highlights included <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|---|---|---|

| | | | | | |
|------------------------------------|--|-----------------------|--|--------------------------------------|--|
| Inspection Number / Program | | UBI / BusLoc | | CSHO ID / CSHO Region | |
| 310893680 / Health | | 601957076 / 729645 | | C9753 / 1055320 | |
| Triggering Activity | | Account Number | | Assignment Type / Site Region | |
| 202505913 | | 92352401 | | Unprogrammed Related / 1055320 | |

| | | | | | |
|---------------------------------|--|----------------------------------|---------------------------|--|--|
| Violation # | Item # | Group | Standard Violated | | |
| 1 | 1 | | 296-62-07721(2)(e) | | |
| Type | Number of Instances | Number of Workers Exposed | Related Event Code | Previous Inspection # (for repeat or FTA) | |
| G | 1 | 1 | | | |
| Abatement # of Days/Date | Immediate Restraint | Egregious | Substance | Abatement Documents Required | |
| | No | No | | No | |
| Date Corrected | Complied During Inspection | Date Verified | How Verified | Date/Time Violation Identified | |
| 4/6/2007 | Unable to Correct | 4/6/2007 | Employer Abated | 4/6/2007 2:00 PM | |
| Statutory Penalty | Asbestos Good Faith | Asbestos # of Days | Severity | Probability | |
| Yes | No | | | | |
| Gravity | Calculated Base Penalty | Faith Code/Adj | History Code/Adj | Size Code/Adj | |
| 0 | 250.00 | 0 | 0 | 0 | |
| Adjustment Subtotal | Adj. Base Penalty | Factor Type/Number | Calculated Penalty | Assessed Penalty | |
| 0.00 | 250.00 | None | 250.00 | 250.00 | |
| AVD | <p>Dakota Concrete Cutting did not ensure receipt of a written response or statement of the presence of asbestos from the facility owner's agent, Ethan Construction, prior to construction, renovation, remodeling, repair, etc. work at the inspection site.</p> <p>Inspection site: 3100 Airport Way South, Seattle WA.</p> | | | | |
| Message | <p>Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.</p> <p>Please include a policy in your accident prevention plan that spe</p> | | | | |
| How Complied | | | | | |
| | <p>Dakota Concrete Cutting (DCC) was hired by General Contractor -Ethan Construction (EC) to drill holes or cores in various locations during the renovation of the old Rainer Brewery on Airport Way South. According to interviews with DCC owner, Dori Ost, DCC management did not request a written statement indicating whether asbestos was present at the Brewery prior to starting work. In addition, EC management reported they did not provide the written statement to DCC.</p> <p>On or around January 7, 2006, DCC-EE (b) (6) was instructed by Ethan Construction to drill 1.25 inch holes in a concrete wall for installation of electrical conduit. During the first drill, (b) (6) thought he hit a pipe and moved to a new location. During</p> | | | | |

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| | | | | |
|-----------------------------|--|----|---------------|--|
| Instance Description | <p>the second drill, he thought he hit another pipe. Following the second drill, another subcontractor EE came by to inform (b) (6) that the pipes in the wall he was drilling were wrapped in asbestos (TSI) and that he probably disturbed the TSI during his drilling activity. (b) (6) stopped work and reported the incident to Ethan Construction management.</p> <p>Per GFSs performed by Vernon Environmental Inc. for Ethan Construction in July 2006, the survey indicated that the pipe insulation in building 25 (location of the drilling task) was asbestos-containing and should assume the pipe penetrations in walls are also wrapped with asbestos-containing TSI.</p> <p>Hazard: Without a good faith survey of the building materials to be worked on or around, EEs may disturb asbestos containing materials using improper work practices and promote airborne asbestos fibers and inhalation exposures.</p> <p>Exposure: One day approximately 10 minutes. Exposed EE= (b) (6) (b) (6)</p> | | | |
| | Photos | No | Photos | |
| | Photo List | | | |
| | Severity | | | |
| | Probability | | | |
| Good Faith | | | | |
| History | | | | |

310893680

| | | | | | |
|------------------------------------|--|-----------------------|--|--------------------------------------|--|
| Inspection Number / Program | | UBI / BusLoc | | CSHO ID / CSHO Region | |
| 310893680 / Health | | 601957076 / 729645 | | C9753 / 1055320 | |
| Triggering Activity | | Account Number | | Assignment Type / Site Region | |
| 202505913 | | 92352401 | | Unprogrammed Related / 1055320 | |

| | | | | | |
|---------------------------------|--|----------------------------------|---------------------------|--|--|
| Violation # | Item # | Group | Standard Violated | | |
| 1 | 2 | | 296-62-07722(1)(c) | | |
| Type | Number of Instances | Number of Workers Exposed | Related Event Code | Previous Inspection # (for repeat or FTA) | |
| G | 1 | 1 | | | |
| Abatement # of Days/Date | Immediate Restraint | Egregious | Substance | Abatement Documents Required | |
| | No | No | | No | |
| Date Corrected | Complied During Inspection | Date Verified | How Verified | Date/Time Violation Identified | |
| 4/6/2007 | Unable to Correct | 4/6/2007 | Employer Abated | 4/6/2007 2:00 PM | |
| Statutory Penalty | Asbestos Good Faith | Asbestos # of Days | Severity | Probability | |
| No | No | | | | |
| Gravity | Calculated Base Penalty | Faith Code/Adj | History Code/Adj | Size Code/Adj | |
| | | 0 | 0 | 0 | |
| Adjustment Subtotal | Adj. Base Penalty | Factor Type/Number | Calculated Penalty | Assessed Penalty | |
| 0.00 | 0.00 | | 0.00 | 0.00 | |
| AVD | <p>Dakota Concrete Cutting did not train or ensure training of employees about the hazards of asbestos, location of asbestos-containing materials (ACM) present at the inspection site, how to identify ACM, etc. In cases where certification requirements do not apply, employees shall be trained according to WAC 296-62-07722(5).</p> <p>Inspection site: 3100 Airport Way South, Seattle, 98134.</p> | | | | |
| Message | <p>Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.</p> | | | | |
| How Complied | | | | | |
| Instance Description | <p>see citation 1-1 for background information</p> <p>According to interviews with DCC management-Dori Ost, DCC EE-(b) (6) had not received asbestos awareness training.</p> <p>Hazard: Without asbestos awareness training, EEs may not be able to identify the location of ACMs, EEs may not know what typical ACMs look like, and may not know how to handle ACM should it be accidentally disturbed increasing the potential for exposure to asbestos/airborne asbestos fibers</p> <p>Exposure: see citation 1-1</p> | | | | |
| Photos | No | Photos 26 | | | |

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| | |
|--------------------|--|
| Photo List | |
| Severity | |
| Probability | |
| Good Faith | |
| History | |

310893680

- Concrete Drilling near ~~asb. insult.~~ pipe w/ TSI
(Dakota Concrete, Jan 4, 5 2007)

3/12 bldg 25 + bldg 22 - elevator, left side of shaft, 600 level
~~lost~~ near old elevator/restaurant

- elevator, top floor, where closet moved, can see pipes (yes)
- crawl space thru roasting area of tullys, friable pipe wraps (yes)
- cutting in warehouse - shipping/rec. tullys (yes)
pipe wrap - "plaster friable" - tape

- tullys has management over their space
- contractors should not be in those areas
- tullys space is not being covered

Rainer Commons LLC - building owner

John Tack - project manager + safety officer

Robert got a call about the concrete cutting, Robert
~~called~~ John T. ~~called~~ about it to talker to him
about the issue, Robert said he did the
right thing

Management familiar w/ incident

Dakota instructed to core a wall, ~~cored~~
~~the wrong wall~~

- Ethan did not know there was a TSI wrapped Pipe
in the wall
- assumed it was a solid, masonry wall, did not
know there was pipe behind
- when they uncovered it, they stopped -
called Bull (Richard) ²⁸

3/29 - entered ~10:00 am Conan/Bull helped get Jack
 Dakota drilled into wrong wall
 wall ACU, pipe wrap, T&E
 Bull knew it was there
 lack of communication b/w telecom/electricians/
 concrete

Dakota hired for concrete coring ->
 hourly coring or paid by project
 approx 6x on site
 was doing fire alarm
 coring, communication
 coring

Abatement -> PDB did the abatement

John Jack - (b) (6) m-F
 Day Shift - 7:30 - 3:30
 mailing address: 3317 3rd Ave S, Seattle, 98134
 office: 206-447-6263

Dakota
 -> cored the 600 room + stopped work, did not
 want to work in closets anymore +
 the Bull continued w/ the core drilling
 in the closets

APP - reviewed by R.L.

253-638-2350 phone
638-8746 fax
(846-202-2400)

310893680

4/2 - phoned Dakota office (253-638-2350) & spoke to Dori

frustrated by Ethan construction, so many incidents out at that site (

- anyone work out there? -> couple weeks ago Dakota went out there to core concrete

• he refused to perform any work in the "bathrooms" b/c of what happened last time

- holes that can be done w/ a hand drill (costo hammer)

why are they calling a concrete cutting specialist?

last time there March 15th, Feb and March 5th January 2, 19

invoices turned in on Friday -> but does not think EEs have been out there since March 14

(b) (6)

~~she~~ she is very busy today + tomorrow call back Wed. afternoon -> to complete OC, schedule interviews

Dave Wilcox called her & said there is asbestos on-site + her people should not be doing the work

4/6 -> phone call to Dakota -> left VM @ 10:00 am to call me back

@

310893680

at Dakota
Davi Concrete called me back 10:10 am

- called out to the project yesterday → young EE went out there
- Is Margehrita still out there doing a consultation?
she will be coming out to monitor the job (silica or noise)
- waiting for a call from Dakota about the silica training, heavy, safety training
- has first aid training?

(b) (6)

APP - asbestos not included (Marg.)

- have been thru asbestos training b/f at other job sites
- usually a demo b/f
- (b) (6) is in the apprenticeship union - asbestos worker training opportunity
- no records about specific ash hazards
- Ethan needs core drilling done + then other people tell him to do more core drills
- Ethan did not tell Dakota that asbestos was present in the building
- how long have has Dakota been at the job site - August 14, 2006
- "5-4 in core drills 2 ft thick"
- 9 visits 2006

Jan 2 - onsite 1-1/2 inch core units

~~Jan 19~~ Feb 2 - billed them sales tax 310893680
March - finishing

- (b) (6) was drilling
- guy walked by & told him it was asbestos (not same guy that directed him to do the work)
- AAA Electric - finishing work
did AAA electric tell him to work in the bathroom??

- (b) (6) got involved
& got into it w/ the EK was threatening
(b) (6) will call me later w/ details
- when (b) (6) is done → he will call me
- phone call ended @ 10:47am

no phone calls to CSHO on Friday 4/6/07

- 4/9 - called Dori -
(b) (6) called me on Friday → but did not leave a message (b) (6) habit)
she will ask (b) (6) to call me @ 2:30pm

2:30pm
call
scheduled

- 4/9 - called Marg. - left VM
is consultation still open?

- 4/9 Dori - left VM on Nick S.
phone/voicemail that (b) (6)
would call me @ 2:30 (???)
called Dori @ ~3:00 → no (b) (6) yet
→ left (b) (6)

- company
cell
206-719-6773
- home (b) (6)
(b) (6)

4/9/07

(b) (6)

310898680 =

(b) (6)

How long w/ Dakota: (b) (6)

incident: 6-7 times at the Etham site prior to incident

Etham did not tell him about asbestos contain materials on site

(did not start w/ co. until mid september?) ^{maybe}

- tried to core many areas → hit pipes
- welder told him to stop drilling
- welder showed him the pipes/ladder & explained there was probably ask in the wall

- he said something to Bull about the incident following welder's education

- who told him to drill in the room?

Bull → told (b) (6) to take (b) (6) up to area they needed core drills

- holes were for the electricians

- (b) (6) (electrician) took him up to the

- (b) (6) refused to drill when (b) (6) asked him (2nd request) (note: following above incident - later date)

↓
(b) (6) knew there was asbestos issue the first time (?)

- tried to use the rothammer the first-time (electricians rothammer)

- Bull knew where he was going to core drill?? knew about location?

- (b) (6) hit another pipe the second time (in south wall)
& then refused to continue in the bathrooms

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- welder did not want to tell him about it get in trouble
- an Ethan EE overheard + switched to Bull that welder was showing him the asbestos issue
- Dakota did not do work in these rooms prior to that
- no contract w/ electricians always sign work orders w/ Ethan
- did not see ACM when doing complete

-Dori leaves 11th - 16th

4/16 - phoned John Jack, left VM 1:43pm

"would like to come over + look at plans of the area being investigated -> please call back -> 10am tomorrow

4/16 - 9am tomorrow

to look @ plans per phone call w/ John Jack

4/17 - site visit w/ J.T. to look @ site plans

do they have as-builts ->
 budget from Beneroyas, environmental report not great so Ethan did another report
 new plan identified asbestos except

- location inspected not shown in above new report
- found later

- directed to do the drilling by the general contractor per John Jack

("as builts should be a working document")

- Rainer Commons (Arise Dev + Goldfarb Dev)
 - owns ethan construction
 - managing member
 - hired J.T. to help ethan construction w/ Rainer

J.T. directs work

budget allocated to J.T., no written approved change orders

he tracks the change orders himself, but ultimately reports it to the owner

Ethan

310893680

4/17 cont.

weekly walk arounds? → J.J. not sure
asbuilt this project, would be a full time job

operational maintenance manuals

-Vern changes the "as built" in environmental
and asbestos documentation of areas on site
(Vern modifies the plans/reviews at least annually?)

Per the Asbestos Building Survey Report: dated July 27, 2000
"TST" on pipe insulation in various penetrations
(white friable insulation + paper covering) in
Buildings 7, 11, and 25."
done by Vernon Environmental Inc - Terry Bleckner CILT

certificate of training completion by PBS ~~Env.~~
EMR-05-6993A

4412 SW Corbett Ave, Portland, OR
503-248-1939

(send wac code if walk-around requirements)
walk-arounds not documented

asbestos awareness training for subs?

AA training was provided to subs at end of
Leiberts insp. → nothing further → only new
subs in Dakota?

J.J. will find out if Dakota was included in
the A.A. training? Isaac Cole provided training?

Did not provide anything in writing to Dakota
that J.J. knows if → here after Dakota wired?

20

4/27 - phone call to John Jack @ ~ 1pm

- he is working on the response to the documentation request, → not finished, distracted by occupancy inspections by the city of Seattle
- he will get it to me by Tuesday (May 1) by 12 noon

5/1 → no response for J.J. or Ethan yet

5/2 → Eiton Alan → left VM ~ 11am to call him back re: letter + site visit @ the Brewery

5/2 → called Eiton @ ~ 11:15am, no answer, left VM

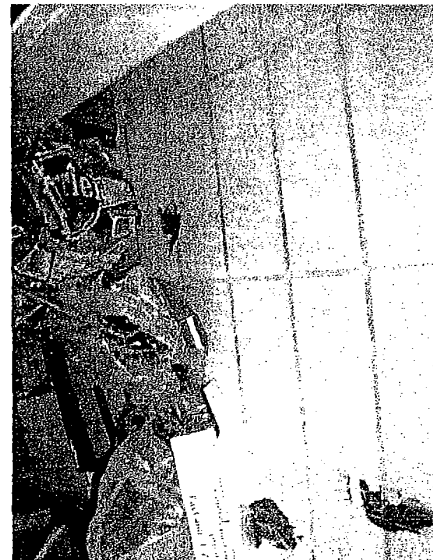
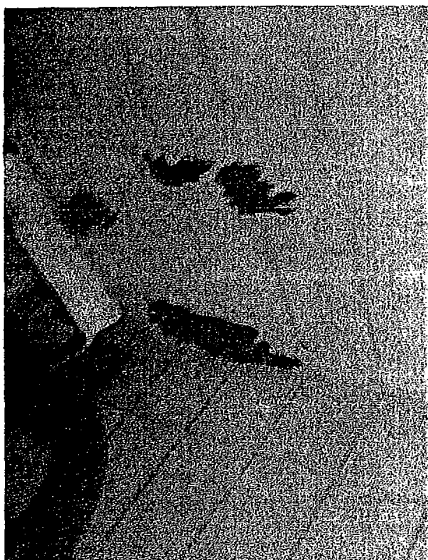
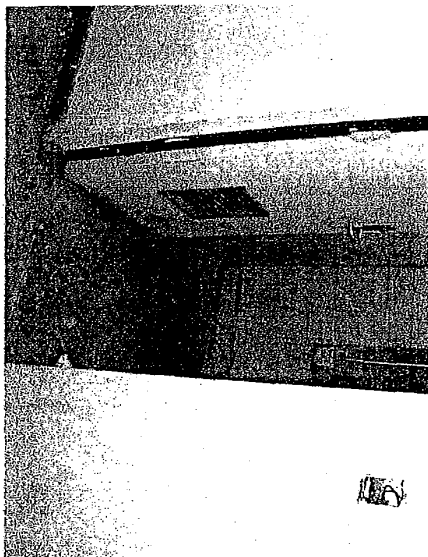
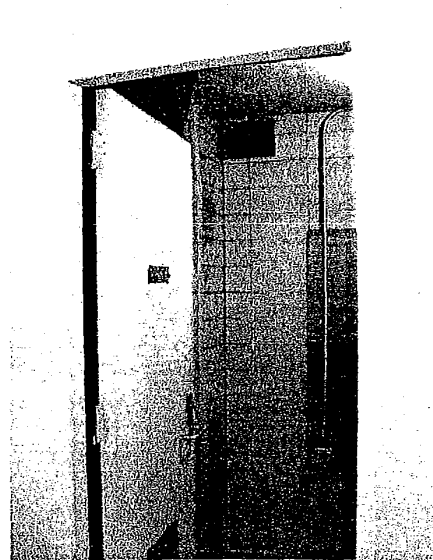
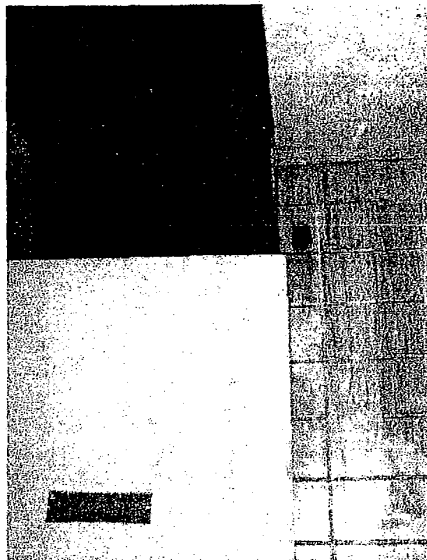
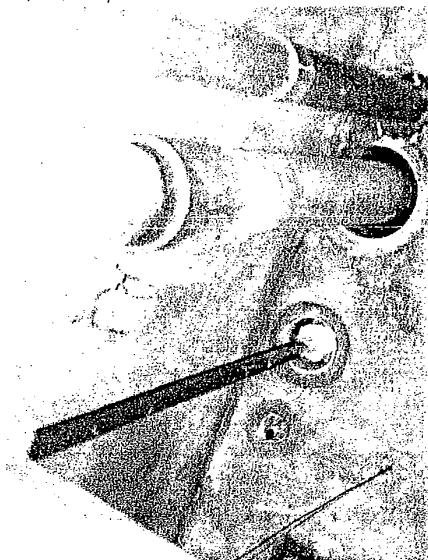
5/2 11:20am Eiton Alan & Eiton's cell # 206-898-8561

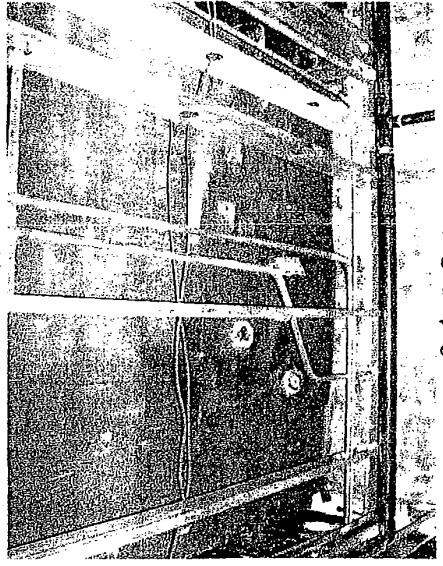
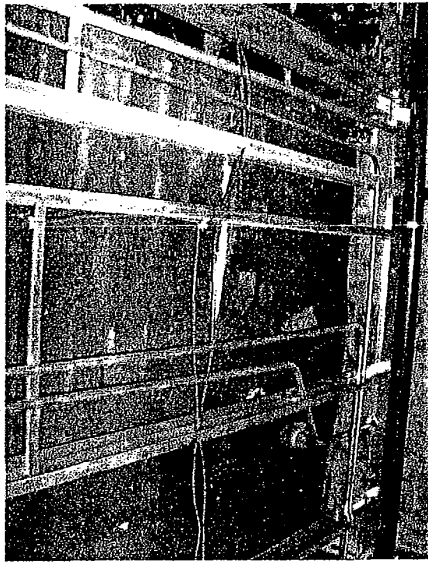
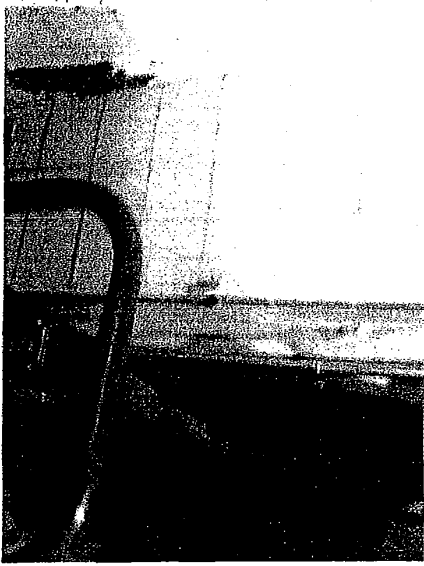
following up w/ documentation request
been busy
tomorrow, inspectors coming in for occupancy; so can
get to the request on Friday.
5pm on Friday

5/4 ~ 5:14 phoned John Jack's cell # → no answer → left VM
where is the response to the documentation request
phoned Jjie # → no answer

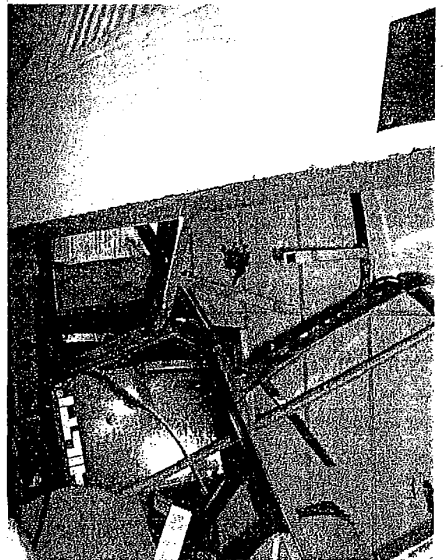
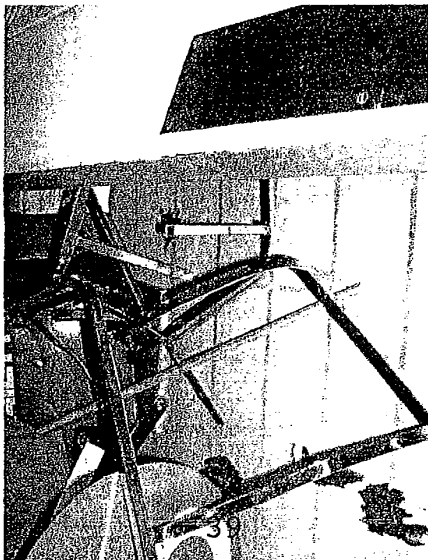
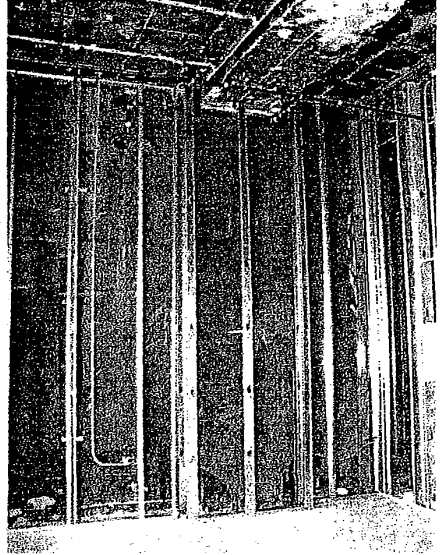
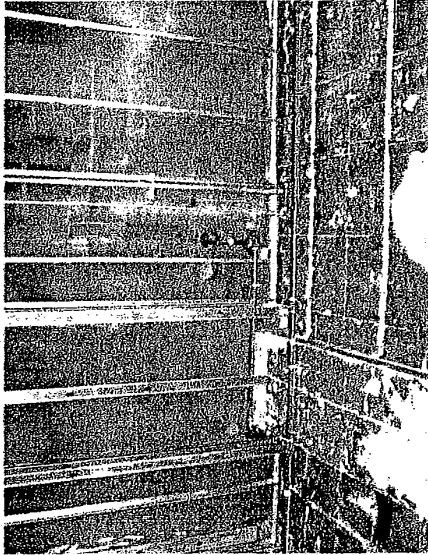
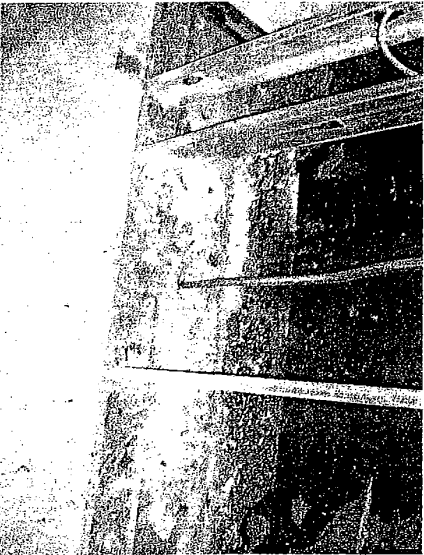
↓
soon after - fax of response showed up

310893680

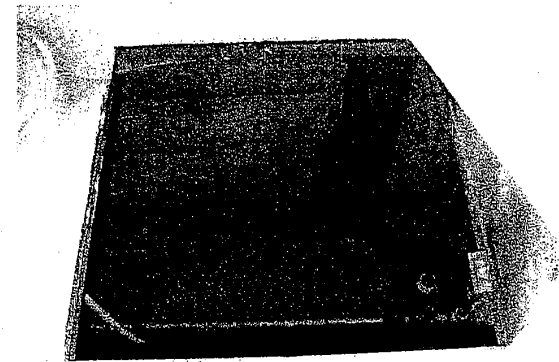
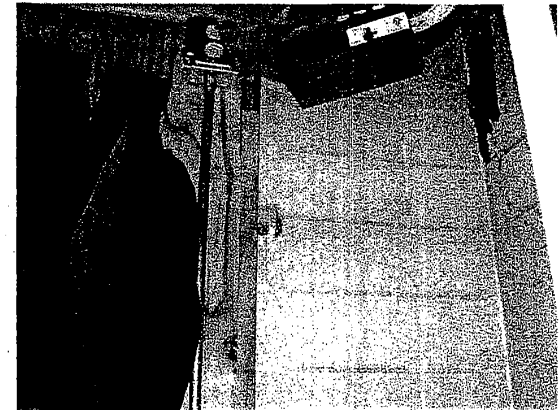
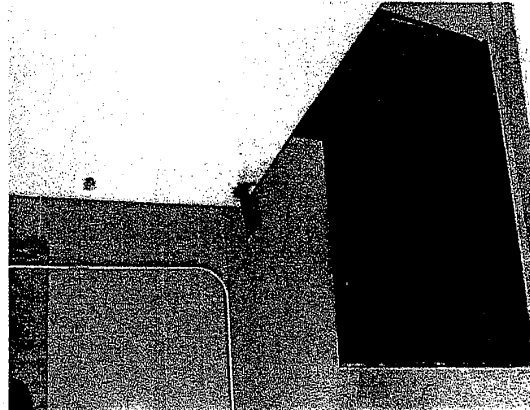
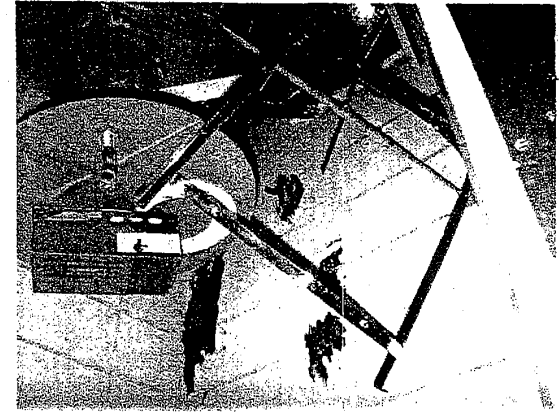
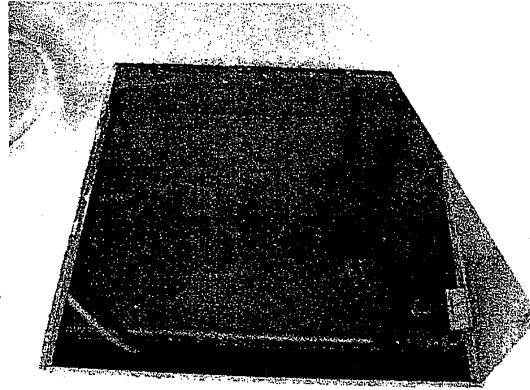
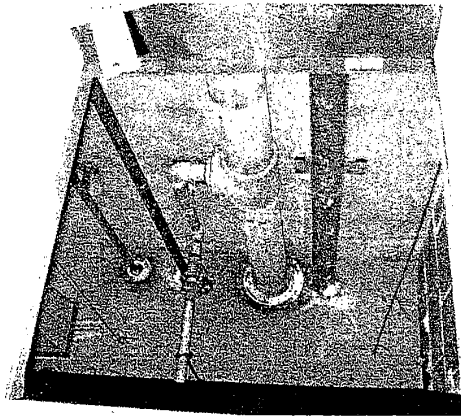




310893680



2



310893680

RCLLC 0000858

File Checkout Card

File Information

Print

| | | | | | |
|--|-------------------|---------------------------------|--------------------------------|----------------------|--------------------|
| Requestor | Requested | Activity Type and Number | | | |
| MARNIE BEHLING | 6/19/2007 | Inspection - 310893680 | | | |
| CSHO Region | | Site Region | | | |
| 2 | | 2 | | | |
| UBI | File Year | Opening Conference Date | Closing Conference Date | | |
| 601957076 | 2007 | 4/6/2007 | 5/14/2007 | | |
| Establishment DBA / Legal Name | | Citation Issue Date | Case Closed Date | | |
| DAKOTA CONCRETE CUTTING INC DAKOTA CONCRETE CUTTING INC | | 6/6/2007 | | | |
| List of Files Included in the Master Folder | | | | | |
| File Year | Activity # | DBA Name | Activity Closed Date | Activity Type | Folder Type |
| 2007 | 310893680 | DAKOTA CONCRETE CUTTING INC | | Inspection | Regular |
| 2007 | 310893680 | DAKOTA CONCRETE CUTTING INC | | Inspection | Regular |

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

2 - 310893680 (6/6/2007) - C & N
DAKOTA CONCRETE CUTTING INC
27448 141st Ave Se
Kent, WA 98042

COMPLETE THIS SECTION ON DELIVERY

| | | |
|--|-------------------------------|---|
| A. Signature | | <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee |
| B. Received by (Printed Name) Don L. O... | C. Date of Delivery 6/8/07 | |
| <input type="checkbox"/> Is the delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> If YES, enter delivery address below: <input checked="" type="checkbox"/> No | | |

3. Service Type

- | | |
|---|---|
| <input type="checkbox"/> Certified Mail | <input type="checkbox"/> Express Mail |
| <input type="checkbox"/> Registered | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Insured Mail | <input type="checkbox"/> C.O.D. |

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number,
(Transfer from service label)

7005 0390 0000 7598 5275

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

<http://wisha.apps-inside.lni.wa.gov/win2/FileTracking/FileTrackingCheckoutCard.aspx?A...> 6/19/2007

RCLLC 0000859

Inspection #: 310893680

Business Name: Dakota Concrete Cutting

UBI: 601957076

CSHO: 09753

CD photo file

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